

What is a special permit?

Zoning establishes the types of land uses permitted on a specific tract of land. Each zoning classification then sets development standards which regulate setbacks, lot width, lot depth, minimum square footage, maximum lot coverage, height requirements, which apply to a particular use. In this zoning scheme, land use activity is permitted in a zoning classification either as use by right or by special use permit. A use by right is a land use activity that has been deemed appropriately and correctly for the zone where it is to be located. A special use permit allows a land use activity in a zone under certain specified rules (performance standards).

Similar to the rezoning process, a special permit is reviewed for satisfactory compliance with all required standards listed in the City Zoning Ordinance through a public hearing process. If a special permit has been approved, a notation of "SP" will be reflected on the Zoning Map Series of the City.

Why would I need a special permit?

All property within the City is zoned based on a land use classification system that has considered all factors necessary to determine its best land use pattern. If the zoning classification on the property does not permit an intended use by right, the Planning, Research, & Development Department will advise whether the intended use is permitted in the applicable zone by special permit. If so, an application for special permit may then be submitted.

What effect does a special permit have on my property?

Property must be zoned for a given use, whether by right or as a use permitted by special permit, before a building permit is issued. If the zoning of the property has a notation "SP", the conditions of the special permit will be reviewed and checked for compliance prior to a building permit being issued. Property may be used for any permitted use or for any use permitted by an approved special permit. Development plans must comply with the applicable standards for that zoning district and any requirements of an approved special permit. A special permit may not be removed or changed except through legislative action of City Council (CC) following the same public hearing process as when approved.



City of El Paso

LAND DEVELOPMENT INFORMATION SERIES

SPECIAL PERMIT PROCESS



Planning, Research, and
Development Department

How do I obtain a special permit?

A special permit may only be granted upon application to the City by the owner of a property, and through a public hearing process. You are encouraged to discuss an application with staff in the Planning, Research & Development Department. A pre-application conference will include a discussion of the surrounding zoning, land uses, recent area zoning trends, adopted development-related zoning policies, and any other relevant factors related to your application. A special permit application packet will be provided.

How do I apply for a special permit on my property?

Submit a completed special permit application with accompanying documentation, to the Planning, Research & Development Department. The application must contain an original signature of the owner of the property to be accepted for processing.

What documentation is required to be submitted with a completed and signed special permit application?

- Applicable zoning map sheet identifying the property to be rezoned.
- 8 copies of a detailed site development plan.
- A title, certificate or other proof of ownership.
- City Tax Certificate indicating that no tax delinquencies are due.
- A sealed metes and bounds survey, if applicable.
- Proof of notice to any registered Neighborhood Associations in the vicinity.

What is the special permit process?

After acceptance of a completed application, the Planning, Research & Development Department reviews the request, obtains the review and comments from other City departments, schedules the case for public hearing by the City Plan Commission (CPC), obtains a recommendation from the Development Coordinating Committee (DCC), prepares a staff report, and notifies property owners within 300 feet of the proposed special permit of the hearing.

CPC holds a public hearing approximately six weeks following the submittal of the application and votes to approve, approve with modifications, deny, or table the special permit application. The staff report is presented, public input is received, and CPC deliberates its findings.

When a recommendation to approve the application is made by CPC, an ordinance will be prepared and forwarded for City Council finalization. The final hearing by CC will take place approximately four to five weeks from the CPC hearing. The staff report of DCC and CPC is presented, public input is received, and CC deliberates its findings, and either approves, approves with modifications, denies or tables the application. Upon finalization, the Planning, Research & Development Department makes the necessary changes to the Official Zoning Map Series of the City.

If an application is denied by CPC, the applicant may file an appeal of the denial action to CC within fifteen days of the CPC hearing. Once an appeal is filed, an ordinance will be prepared and forwarded to CC for finalization in the same manner described above.

How can I participate in the public hearing process?

During the public hearings before CPC and CC, the applicant and the public will be afforded an opportunity to present their views on the application. In addition, letters and faxes may be sent to the Planning, Research & Development Department regarding any application. Letters should be addressed to the *City Plan Commission (c/o Planning, Research & Development Department, 2nd Floor, City Hall, 2 Civic Center Plaza, El Paso TX 79901-1196)* and faxes should be sent to (915) 541-4028. The letter or fax must state the case number, your name and address, and your position.

How long does the special permit process take?

A special permit application, from submission to effect date, takes approximately ten weeks. Any unusual action by CPC, CC or the applicant to postpone an application increases the processing time.

What is the special permit application fee?

Special permit application fees are on a graduated scale based on the total acreage shown on an application, and are non-refundable upon payment. The schedule of special permit fees may be found on the application.

Special Permit Process

